

Application No.: 09/785,094

Docket No.: SONY 3.0-014

REMARKS

The Examiner has rejected claims 1-4, 6-10, 12-23, 26-39 and 41-49 under 35 U.S.C. § 102(e) as being anticipated by the disclosure of *Liu* (U.S. Patent no. 5,953,005). In addition, claims 5 and 11 stand rejected over *Liu* in view of the Examiner's Official Notice. Claims 24 and 25 stand rejected over *Liu* in view of *Cahill et al.* (U.S. no. 6,574,377). Finally, claims 40 and 50 stand rejected over *Lui* in view of *Ferrel et al.* (U.S. Patent no. 6,199,082). New claim 51 has been added. Applicant traverses the rejections and requests that the Examiner reconsider in light of the following comments. For the following reasons, Applicant requests that the Examiner allow the claims.

A. Rejection under 35 U.S.C. § 102(e)

It is well established that a claim is anticipated under 35 U.S.C. § 102 only if the identical invention is shown in the cited reference in as complete detail as defined by the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). As the following will demonstrate, the claims contain subject matter not disclosed or taught in the prior art.

(1) Independent Method Claim 1 (1-30 and 50)

Continuing to rely on the disclosure of *Lui*, the Examiner has again rejected the invention defined by claim 1. *Lui* does generally disclose Karaoke devices configured to download music from a database server when the Karaoke device requests the music and the request is authenticated. However, in the rejection, the Examiner relies on the text of col. 2, lines 40-52 for disclosing much of the features of the alleged invention. For example, the Examiner contends that:

Liu teaches the invention explicitly as claimed... *Liu* teaches: ... (c) Storing said audio files at said central location on at least a portion of a storage media, said portion uniquely associated with said identification information.

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Office Action at 2-3. However, Applicant respectfully disagrees. Lui actually discloses:

For example, in a Karaoke application of this invention, where the user desires to access songs which are most popular at a given time, the user is completely unaware of the automatic delivery of an applet including data and instructions from a main data base server. When the user accesses a page, a song list and other information is displayed on a display apparatus. When the user clicks on a particular song of the song list, the applet executes an authentication request. If the user is authenticated, the authentication is downloaded as part of the applet containing the desired multi media content (or separately depending upon the circumstances). In the meantime, a new song may have reached number one standing in the charts, and the vendor has updated the main data base accordingly. While the user is still on the page, an applet containing a new song list is downloaded to user's computer system, so that in the near future, when the user goes to click another song for playing, the song list is updated and includes the newest and most popular songs.

Lui, col. 2, lines 34-52. Specifically, the Examiner relies on this section for describing how Lui stores its song files on the central database server.

However, this paragraph does not describe how audio files are stored on the central location, yet alone in the detail and manner of the claimed invention. It only describes how songs are received at a receiving computer (i.e., "the authentication is downloaded as part of the applet containing the desired multi media content (or separately depending upon the circumstances).") [emphasis added]).

As for the actual storage implementation of Lui, Applicant notes that any Karaoke terminal can utilize any song file from the vendor's database system if they pay for it. Lui, col. 2, lines 17-22; col. 5, lines 13-17. As such, in the Lui system access to all song files is offered to all clients.

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Thus, *Lui* does not teach the storage method employed by the Applicant.

As previously discussed, in the Applicant's system, a unique music storage scheme is utilized. Music files are transferred to the server where they are stored in portions of the server's storage particularly associated with authentication information for a user. Due to this storage scheme, the user can have access to its own audio files particularly associated with the user's authentication information but not other users who have different authentication information associated with accessing different audio files. This is different from the system of *Lui* which is not disclosed as storing the audio files in its database associated with a particular user's authentication information. There, unlike the current invention, any user from a terminal can be authenticated and access any music files in the *Lui* music database.

In this regard, Applicant's invention defines a method including the steps of:

- (a) receiving at a central location electronic files representing audio signals from a first device, the electronic files each having a filename,
- (b) associating the audio files with authentication identification information of a user,
- (c) storing said audio files at said central location on at least a portion of a storage media, said portion uniquely associated with said authentication identification information,
- (d) receiving at said central location said authentication identification information from a second device,
- (e) transmitting said audio files to said second device upon receipt of said authentication identification information.

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This method is not disclosed or taught by the system of *Lui* and the Examiner has not cited any language that teaches such a centralized storage method.

To the extent that the Examiner appears to be attempting to surmise about the storage of the central location based on how they are downloaded to a receiving computer, Applicant respectfully suggests that that the Examiner is disregarding the actual teachings of the *Lui* reference. We respectfully remind the Examiner that in reviewing the prior art, statements cannot be taken out of context but the entire reference must be considered as a whole.

With regard to how song content data and authentication data are transmitted to the receiving computer (i.e., downloaded) with applets in the *Lui* system, the summary portions of the *Lui* reference relied on by the Examiner are inconclusive. However, the remaining details of the *Lui* specification are quite explicit. *Lui* describes that the authentication and media content data are "assembled" on the receiving computer system by a previously downloaded "initial applet" of the receiving computer that in turn fetches (i.e., downloads) the data from the Karaoke database system when selected by a user. *Lui*, col. 5, lines 1-8. The fetching of the different data is done by separate threads of an applet running on the receiving computer. *Lui*, col. 5, lines 25-30; See FIG. 4. Applets would be recognized by those skilled in the art as a type of software that is run on a receiving/client device, not a server. Servers typically run servlets.

In sum, the language of the cited reference does not disclose the claimed invention in all of the detail necessary to render the invention anticipated. In fact, the statements in the *Lui* reference relied by the Examiner do not describe how the storage scheme of the central Karaoke database of the *Lui* system is implemented at all. Applicant therefore requests that the

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Examiner withdraw the rejection of claim 1 and its dependent claims.

(2) Independent System Claim 31 (31-41)

The system invention of independent claim 31 also defines a unique music file storing scheme that differs from the *Lui* system. As with the Examiner's rejection of claim 1, the Examiner's reliance on *Lui* for the disclosure of claim 31 is similarly misplaced. In this regard, claim 31 defines that the transmitting system has data identifying a plurality of users but it has stored audio files being uniquely associated with the identity of a single user or device. Again, this invention with all of the claimed limitations is the antithesis of that which is disclosed of the system of *Lui*. The *Lui* Karaoke file database server does not so uniquely associate its stored audio files. To the contrary, as previously discussed, it provides all authenticated users with access to all stored song files. In this sense the stored files are not associated with a single user or device. To the contrary, they are not associated with any user since any user can be offered access to all of the files. Applicant respectfully submits that the Examiner has not set forth a *prima facie* case of anticipation. Therefore, the rejection should be withdrawn and claims 31 and dependent claims 31 to 41 should be allowed.

(3) Independent Method Claim 42 (42-49)

The rejection of claims 42 to 49 should also be withdrawn. Independent claim 42 defines a method distinct from the method of *Lui*. For example, claim 42 defines "uniquely associating a portion of the storage space on a server with a user or device, the storage space to store song files each having a filename; associating said portion with a first user authentication identifier; receiving said first user authentication identifier; receiving a song file representative of a song; and storing said song file with a filename in the

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portion of said storage space associated with said first user authentication identifier" This method is different from the method disclosed by the system of *Lui*. As previously described, the relied on portions of the *Lui* reference do not disclose a scheme of storing audio files associated with user authentication as claimed in claim 42.

(4) New Independent Method Claim 51

Finally, Applicant has added new claim 51. The subject matter of this claim may be compared with that of previously discussed claims. The claimed method defines that "different stored sets of electronic files of the plurality of audio files on the central system are exclusively accessible to different authentication identification information." Such a feature is not taught or suggested by *Lui*. For the aforesaid reasons, the Applicant submits that claim 51 is in condition for allowance.

B. Conclusion

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.


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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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